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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,014

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Abraham Martinus Cohen Stuart

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04/19/2011

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER

KASSA, TIGABU

ART UNIT

PAPER NUMBER

1619

MAIL DATE

DELIVERY MODE

04/19/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/573,014	Applicant(s) COHEN STUART ET AL.	
	Examiner TIGABU KASSA	Art Unit 1619	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 February 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 10 February 2011. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/CHERIE M WOODWARD/
Primary Examiner, Art Unit 1647

Continuation of 11: Applicant's request for reconsideration do not place the case in condition for allowance or in better condition for appeal. The examiner notice that the claim set submitted with request for reconsideration does not contain any amendments.

Response to arguments:

Applicant argues that it would not have been obvious to one of ordinary skill in the art to combine the teachings of Harada and Decher as proposed by the Office Action. First, neither Harada nor Decher teaches "coating said surface with a composition comprising at least one polymeric micelle." As acknowledged by the Office Action, Harada does not disclose coating a surface with its polymer compositions; moreover, Decher does not teach coating surfaces with polymeric micelles. Decher teaches stepwise deposition of polymers onto a substrate to construct a layered polymer film. See Decher at Fig. 1. There is not a teaching that it would be desirable or even possible to perform the method of Decher with the micelle compositions of Harada. Therefore, Decher does not cure the deficiency of Harada because it does not disclose coating a surface with polymeric micelles. Second, Applicants respectfully submit that the Office Action fails to establish any reason why one of ordinary skill in the art would combine the teaching of Harada and Decher as proposed in the Office Action. The reference in Harada to the teaching of Decher states that "[a]ssembly of charged block copolymers in aqueous medi[a] may lead to the formation of similar higher ordered structures...which may be useful for constructing self-assembled layers based on electrostatic interaction [Decher citation]." Harada at 67 (emphasis added). Applicants disagree with the Office Action that this teaching suggests that one of ordinary skill in the art would have "inferred...that the application delineated by Decher is equally applicable to the application of the PIC micelles of Harada et al." This teaching of Harada merely references Decher as disclosing "similar higher ordered structures." There is no suggestion that the micelles of Harada could be successfully used in the stepwise layer-forming process of Decher. Indeed, Decher does not even teach that its polyanion and polycation could be combined and then subsequently applied to the surface in a single step.

This assertions are not found persuasive because a composition comprising at least one polymeric micelle comprising a hydrophilic, neutral corona and a complex coacervate core formed by charge complexation is clearly met by the teachings of the primary reference Harada et al. Harada et al. teach a molecular recognition system that uses assembly of coiled block copolymers (page 65). Exclusive pair wise recognition of oppositely charged polymer strands occurs selectively on the basis of length, creating multimolecular micellization of pairs of oppositely charged block copolymers in aqueous solution (page 65). The block copolymers used here were composed of oppositely charged pairs of poly(ethylene glycol)-b-poly(, - aspartic acid) and poly(ethylene glycol)-b-poly(L-lysine) (page 65). Harada et al. do not explicitly teach coating a surface with the oppositely charged polymeric micelle structures. It is to cure this deficiency that the examiner incorporated Decher. The statement set forth by Harada et al., in its conclusive remarks by citing Decher for a potential application is a strong motivation why one of ordinary skill in the art would have looked for Decher for possible applications of the micelles delineated by Harada et al. Harada et al. teach in their conclusive remarks section assembly of charged block copolymers in aqueous medium may lead to the formation of similar higher ordered structures through precise recognition based on the chain lengths of charged segments, which may be useful for constructing self-assembled layers based on electrostatic interaction by citing the reference Decher (page 67).

Applicant further argues that finally, Applicants note that Decher does not disclose any properties of its coatings and thus does not disclose or suggest that its coatings could be used to modify surface properties of a substrate, especially its protein resistivity. To the contrary, Decher teaches incorporation of proteins into its multilayer films. See Decher at 1236, middle column. By teaching the compatibility of its polymeric films with proteins, Decher teaches away from coating surfaces to resist proteins as presently claimed.

This is not found persuasive because the secondary reference Decher is merely incorporated to prove that the micelles of Harada are clearly applicable for coating surfaces in a similar way as Decher. The property of protein resistance is caused by the type of material that is used. As it is clearly described by the instant invention it is the micelles that cause such a property. The limitation of the recited micelles is clearly addressed by the teachings of Harada, which means the application of the micelles of Harada on a surface would necessarily result in protein resistance property.

Claims 60-78 remain rejected. Applicant's arguments have been fully considered, but they have not overcome the rejections of record.